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09/620,106	07/20/2000	Christopher G. Hipp	067856.0104	2753
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Baker Botts LLP 2001 Ross Avenue Dallas, TX 75201-2980			EXAMINER PHAN, TAM T	
			ART UNIT 2144	PAPER NUMBER 9
DATE MAILED: 02/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,106

Applicant(s)

HIPP, CHRISTOPHER G.

Examiner

Tam (Jenny) Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-8.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. No priority claims have been made.
2. The effective filing date for the subject matter defined in the pending claims in this application is 07/20/2000.

Information Disclosure Statement

3. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2-8, is attached to the instant Office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 31, 33-34, and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Dellacona (U.S. Patent Number 6,260,155).
6. Regarding claim 31, Dellacona disclosed a data processing system, comprising:
a plurality of web server processing cards, coupled with a midplane (Abstract, column 6 lines 11-26); a first network interface card coupled with each of the web server processing cards through the midplane (Abstract, column 3 lines 42-50, column 6 lines 11-37); and wherein each of the plurality of web server processing cards are coupled

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with a public network communication router over a first communication path, the public network communication router coupled to a public network and operable to route data packets to and from the web server processing cards (Figure 2, Figure 5, column 2 lines 19-29, column 5 lines 16-23, column 6 lines 43-48).

7. Regarding claim 33, Dellacona disclosed a data processing system, wherein each of the plurality of web server processing cards are coupled with a management system operable to monitor and manage the web server processing cards (column 7 lines 40-55).

8. Regarding claim 34, Dellacona disclosed a data processing system, wherein each of the plurality of web server processing cards are coupled with a management system [diagnostics subsystem] operable to monitor and manage the web server processing cards (column 7 lines 40-55).

9. Regarding claim 38, Dellacona disclosed a data processing system further comprising a first power supply coupled with the midplane; and the first power supply operable to provide power to components of the web server processing cards and components of the first, network interface card (Figure 6, column 7 lines 18-25).

10. Regarding claim 39, Dellacona disclosed a data processing system further comprising a second power supply coupled with the midplane; and the second power supply operable to provide power to components of the web server processing cards and the first network interface card (Figure 6, column 7 lines 18-25).

11. Regarding claim 40, Dellacona disclosed a data processing system, wherein the first and second power supplies are hot swappable (column 9 lines 51-55).

12. Regarding claim 41, Dellacona disclosed a data processing system wherein at least one of the plurality of web server processing cards is hot swappable (column 3 lines 47-57, column 9 lines 21-30).

13. Since all the limitations of the claimed invention were disclosed by, claims 31, 33-34, and 38-41 are rejected.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dellacona (U.S. Patent Number 6,260,155) in view of Sistanizadeh et al. (U.S. Patent Number 5,790,548), hereinafter referred to as Sistanizadeh.

16. Dellacona disclosed a data processing system comprising: a plurality of web server processing cards, coupled with a midplane; a first network interface card coupled with each of the plurality of web server processing cards and the midplane; each of the plurality of web server processing cards coupled with a public network communication router over a first communication path, the public network communication router coupled to a public network and operable to route data packets to and from the web server processing cards; and each of the plurality of web server cards coupled with a management system operable to monitor and manage the plurality of web Server

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processing cards (Figure 2, Figure 5, column 2 lines 19-29, column 5 lines 16-23, column 6 lines 43-48).

17. Dellacona taught the invention substantially as claimed. However, Dellacona did not expressly teach a data processing system each of the plurality of web server processing cards coupled with a private network communication router over a second communication path, the private network communication router coupled with at least one private processing system and operable to provide processing services upon receipt of a processing request from one of the plurality of web server processing cards.

18. Dellacona suggested exploration of art and/or provided a reason to modify the data processing system with the private network communication router (Figure 2).

19. In an analogous art, Sistanizadeh disclosed a data processing system each of the plurality of web server processing cards coupled with a private network [Local Area Network] communication router over a second communication path, the private network communication router coupled with at least one private processing system and operable to provide processing services upon receipt of a processing request from one of the plurality of web server processing cards (Abstract, Figures 1-3, column 3 lines 46-51).

20. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the data processing system of Dellacona with the teachings of Sistanizadeh to include the private network feature in order to response to the need for telecommuting (Sistanizadeh, column 4 lines 32-43) since users would be able to access their private network from home (Sistanizadeh, column 4 lines 32-43).

21. Regarding claim 2, Dellacona disclosed a data processing system wherein the management system communicates with the web server processing cards over the second communication path (Figure 5, column 7 lines 40-55).

22. Regarding claim 3, Dellacona disclosed a data processing system further comprising: a third communication path coupling the management system and the plurality of web server processing cards; and wherein the management system communicates with the web server processing cards over the third communication path (Figure 5, column 7 lines 40-55).

23. Regarding claim 4, Dellacona disclosed a data processing system wherein the first network interface card is disposed along the first communication path and operable to route the data packets between the web server processing cards and the public network communication router (Figure 2, column 5 lines 16-23).

24. Regarding claim 5, Sistanizadeh disclosed a data processing system further comprising a second network interface card disposed along the second communication path; and wherein the second network interface card is operable to route the processing request between one of the plurality of web server processing cards and the private network router (Figures 1-3, column 2 lines 16-18, column 3 lines 46-51).

25. Regarding claim 6, Dellacona disclosed a data processing system further comprising: a third network interface card disposed along the third communication path; and wherein the third network interface card is operable to route data communications between the web server processing cards and the management system (Figure 5, column 6 lines 26-37, column 7 lines 40-55).

26. Regarding claim 7, Dellacona disclosed a data processing system further comprising: a second network interface card disposed along the second communication path and operable to route the processing requests between one of the plurality of web server processing cards and the private network router; and the midplane having a plurality of first connectors operable to couple the web server processing cards with the midplane, and a plurality of second connectors operable to couple the first and second network interface cards with the midplane (Abstract, column 3 lines 39-59, column 6 lines 11-26).

27. Regarding claim 8, Dellacona disclosed a data processing system further comprising: a third network interface card coupled with one of the plurality of second connectors of the midplane; and the third network interface card disposed along the third communication path and operable to route communications between the web server processing cards and the management system (Abstract, column 3 lines 39-59, column 6 lines 11-20, lines 26-37).

28. Regarding claim 9, Dellacona disclosed a data processing system further comprising: at least a first power supply coupled with the midplane; and the first power supply operable to provide power to components of the web server processing cards and components of the first and second network interface cards (Figure 6, column 3 lines 1-27, column 7 lines 16-27).

29. Regarding claim 10, Dellacona disclosed a data processing system further comprising: a second power supply coupled with the midplane; and the second power supply operable to provide power to components of the web server processing cards

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and components of the first and second network interface cards (Figure 6, column 3 lines 1-27, column 7 lines 16-27).

30. Regarding claim 11, Dellacona disclosed a data processing system wherein the first and second power supplies are hot-swappable (column 9 lines 51-55).

31. Regarding claim 12, Dellacona disclosed a data processing system wherein the first and second power supplies are load balanced (column 3 lines 45-59, column 7 lines 40-55).

32. Regarding claim 13, Sistanizadeh disclosed a data processing system further comprising: a third communication path operable to couple the public network router and the public network; and wherein the third communication path includes a high bandwidth transport (Figures 14A-14B, column 32-40).

33. Regarding claim 14, Sistanizadeh disclosed a data processing system further comprising a high density connector coupled with the public network router and the first communication path (column 8 lines 34-40, column 17 lines 63-64).

34. Regarding claim 15, Examiner takes Official Notice (see MPEP § 2144.03) that "high density connector such as RJ-21 connector that coupled with a network router" in a computer networking environment was well known in the art at the time the invention was made. Please refer to PTO-892 for prior art of record pertaining to these well-known limitations.

35. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of

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judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice).

Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or reputation of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

36. Regarding claim 16, Sistanizadeh disclosed a data processing system wherein the first communication path includes fiber optic cables operable to provide gigabit ethernet (GE) (Figure 14B).

37. Regarding claim 17, Sistanizadeh disclosed a data processing system wherein the first communication path includes copper wire operable to provide gigabit ethernet (GE) (Figure 10, column 7 lines 66-67, column 8 lines 23-33).

38. Regarding claim 18, Sistanizadeh disclosed a data processing system wherein the second communication path includes fiber optic cables operable to provide gigabit ethernet (GE) (Figure 14B).

39. Regarding claim 19, Sistanizadeh disclosed a data processing system wherein the second communication path includes copper wire operable to provide gigabit ethernet (GE) (Figure 10, column 7 lines 66-67, column 8 lines 23-33).

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40. Regarding claim 20, Sistanizadeh disclosed a data processing system wherein the third communication path includes fiber optic cables operable to provide gigabit ethernet (GE) (Figure 14B).

41. Regarding claim 21, Sistanizadeh disclosed a data processing system wherein the third communication path includes copper wire operable to provide gigabit ethernet (GE) (Figure 10, column 7 lines 66-67, column 8 lines 23-33).

42. Regarding claim 22, Sistanizadeh disclosed a data processing system of further comprising a private network coupled with the private network router over a third communication path; and the private network including at least one back office network application (Figures 16A-16B and 18-20).

43. Regarding claim 23, Sistanizadeh disclosed a data processing system of Claim 22, wherein the third communication path supports private 10/100/1000 30 megabits per second Ethernet (Figure 14B, column 15 lines 55-67).

44. Regarding claim 24, Dellacona disclosed a data processing system wherein the management system is operable to monitor, back-up, restore and activate at least one of the plurality of web server processing cards from a location remote to the web server processing cards (column 3 lines 1-27, column 7 lines 1-15).

45. Regarding claim 25, Dellacona disclosed a data processing system of wherein the management system is operable to perform metering of at least one of the web server processing cards (column 3 lines 1-27, column 7 lines 40-55).

46. Regarding claim 26, Sistanizadeh disclosed a data processing system of wherein the metering performed by the management system is selected from the group

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consisting of packet level metering and bandwidth metering (Figures 21-22, column 19 lines 20-45).

47. Regarding claim 27, Dellacona disclosed a data processing system of wherein the management system further comprises a non-volatile storage device operable to provide network attached storage support for at least one of the plurality of web server processing cards (Figures 4-6, column 3 lines 39-59).

48. Regarding claim 28, Dellacona disclosed a data processing system of Claim 27, wherein the non-volatile storage device is selected from the group consisting of redundant array of inexpensive disks (RAIDs), optical storage subsystems, and tape storage subsystems (Figures 4-6, column 3 lines 39-59).

49. Regarding claim 29, Dellacona disclosed a data processing system of wherein the management system may be accessed remotely by a remote electronic device (Figure 5, column 7 lines 4-11 and 40-55).

50. Regarding claim 30, Sistanizadeh disclosed a data processing system wherein the electronic device is selected from the group consisting of personal computers, network computers, web pads and handheld personal digital assistants (PDAs) (Figures 12 and 14A).

51. Since all the limitations of the claimed invention were disclosed by the combination of Dellacona and Sistanizadeh, claims 1-30 are rejected.

52. Claims 32, 35-37, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dellacona (U.S. Patent Number 6,260,155) in view of Obenhuber et al. (U.S. Patent Number 6,144,638), hereinafter referred to as Obenhuber.

53. Regarding claim 32, Dellacona disclosed a data processing system, comprising: a plurality of web server processing cards, coupled with a midplane (Abstract, column 6 lines 11-26); a first network interface card coupled with each of the web server processing cards through the midplane (Abstract, column 3 lines 42-50, column 6 lines 11-37); and wherein each of the plurality of web server processing cards are coupled with a public network communication router over a first communication path, the public network communication router coupled to a public network and operable to route data packets to and from the web server processing cards (Figure 2, Figure 5, column 2 lines 19-29, column 5 lines 16-23, column 6 lines 43-48).

54. Dellacona taught the invention substantially as claimed, however, Dellacona did not expressly disclosed a data processing system wherein each of the plurality of web server processing cards are coupled with a private network communication router over a second communication path, the private network communication router coupled with at least one private processing system and operable to provide processing services upon receipt of a processing request from one of the plurality of web server processing cards.

55. Dellacona suggested exploration of art and/or provided a reason to modify the data processing system with the private network communication router (Figure 2).

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56. In an analogous art, Obenhuber disclosed a data processing system wherein each of the plurality of web server processing cards are coupled with a private network [LAN] communication router over a second communication path, the private network communication router coupled with at least one private processing system and operable to provide processing services upon receipt of a processing request from one of the plurality of web server processing cards (Figures 1A-1B and 3, column 3 lines 9-20, column 4 lines 1-8).

57. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the data processing system of Dellacona with the teachings of Obenhuber to include the private network feature since private network such as LAN would provide easy, cost-effective, and high-speed access to the Internet for corporations and private users (Obenhuber, column 1 lines 29-34).

58. Regarding claim 35, Dellacona and Obenhuber combined disclose a data processing system further comprising: a second network interface card disposed along the second communication Path; and wherein the second network interface card is operable to route the processing request between one of the plurality of web server processing cards and the private network router (Dellacona, Abstract, Figures 2 and 5, column 3 lines 1-27; Obenhuber, Figures 1A-1B and 3, column 3 lines 9-20).

59. Regarding claim 36, Dellacona and Obenhuber combined disclose a data processing system further comprising a second network interface card disposed along a third communication path; and wherein the third communication path couples the web server processing cards and the management system, and the second network

interface card is operable to route data communications between the web server processing cards and the management system (Dellacona, Abstract, Figures 2 and 5, column 3 lines 39-59; Obenhuber, Figures 1A-1B and 3).

60. Regarding claim 37, Dellacona and Obenhuber combined disclose a data processing system further comprising: a third network interface card coupled with the midplane; and the third network interface card disposed along a third communication path and operable to route data communications between the web server processing cards and the management system (Dellacona, Abstract, Figures 2 and 5, column 3 lines 1-16, lines 39-59; Obenhuber, Figures 1A-1B and 3).

61. Regarding claim 42, Dellacona disclosed wherein the first and second power supplies are load balanced (column 3 lines 45-59, column 7 lines 40-55).

62. Since all the limitations of the claimed invention were disclosed by the combination of Dellacona and Obenhuber, claims 32, 35-37, and 42 are rejected.

Conclusion

63. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

a. Goodman (U.S. Patent Number 6,192,399) disclosed a communication system for passing information between information services and terminal devices over a twisted wire pair network. The system is housed in single chassis and has five industry-standard RJ-21 connectors. Each RJ-21 provides up to 25 UTP connections. One RJ-21 connector is used to connect UTP cable, which consists of 24 UTP, to the chassis.

64. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (703) 305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jack Harvey
SPE
Art Unit 2142
703-305-9705

tp
February 20, 2004


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER